



Mercy Corps Commitments to Action Progress Report

In October 2019, Mercy Corps and our Board of Directors requested that investigative firm Vestry Laight conduct an independent, external review into the steps taken when reports of abuse by Mercy Corps' late co-founder Ellsworth Culver were brought to the organization's attention in 2018.

Mercy Corps also engaged law firm Nichols Liu to conduct a separate evaluation of the organization's policies and procedures on sexual exploitation and abuse. Both reports were published by Mercy Corps on February 5, 2020 and can be found in full on Mercy Corps' website [here](#).

Mercy Corps' Management and Board of Directors unanimously accepted the findings and recommendations contained in both reports, and Mercy Corps' Board of Directors and Executive Team announced Mercy Corps' [Commitments to Action](#) to address the reports' recommendations to conduct further investigations, restructure legal, ethics, and safeguarding functions, update safeguarding policies, and strengthen Board governance. The Mercy Corps Board of Directors and Executive Team pledged to review the Commitments to Action at each board meeting until all matters have been implemented and to report on progress to the public twice a year during that time. This is the fifth biannual report on Mercy Corps' implementation of our Commitments to Action. Previous reports from July 2020, January 2021, July 2021 and January 2022 can be found [here](#).

Mercy Corps has delivered on the majority of our Commitments to Action. A comprehensive governance review was completed in November 2020 to enact Board term limits of two three-year terms, with a possible extension for a third term of three years in exceptional circumstances, for a maximum of nine years. Thirteen Board Directors have departed since 2019, including seven in June 2021. Since January 2020,

Mercy Corps has welcomed fourteen new Board Directors. Four Directors departed at the end of June 2022 and will be replaced by new Directors in FY23.

In May 2021, we published the Freeh Group's [independent investigation](#). Mercy Corps has continued to build our newly restructured Ethics and Compliance Department, with added full-time investigators and technical roles, and expanded safeguarding prevention and community accountability teams with new positions and support across all countries where Mercy Corps operates.

Safeguarding will always be a key Mercy Corps priority and requires continuous effort on the part of everyone who works on our behalf. Although our safeguarding work continues, we closed the majority of our commitments in our January 2022 update¹ and consider an additional three commitments closed as of this report.² Commitments 3, 11, 12, 20 and 23 are still in progress. These commitments include finalizing a process to examine and reassess how we reflect the role of Mercy Corps' founders; strengthening performance management around safeguarding to drive leadership accountability; and implementing the recommendations of an external assessment of our safeguarding policies.

Further Investigation:

Commitment 1: Investigate Handling of Case in 1990's

Conduct an investigation of how this case was handled by Mercy Corps in the 1990s

Commitment 2: Investigate Extent of Sexual Abuse

Conduct an investigation to determine the extent of sexual abuse committed by Ellsworth Culver during his time at Mercy Corps.

Commitments 1 and 2 are closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 3: Examine and Reassess Culver's Role in Organization History

Develop an inclusive process to examine and reassess how we reflect the role of Ellsworth Culver and others in our organization's history.

¹ Commitments 1, 2, 4, 5, 6, 8, 9, 10, 13, 14, 15, 16, 17, 18 and 21 were closed in January 2022.

² Commitments 7, 19 and 22 are closed as of this report.

Progress Update on Commitment 3

In order to fully reassess and examine Elsworth Culver's role in our organization's history, Mercy Corps is evaluating the best way to document our history in a transparent and meaningful way.

Mercy Corps' work on trauma informed restorative justice programs in Rwanda also address survivors in conflict-affected communities. Even though not directly related to the Culver investigation, this program, and others like it are important for our participants who may be survivors of abuse.

Restructuring the Legal, Ethics and Safeguarding Functions:

Commitment 4: Hire a Chief Ethics and Compliance Officer

Hire a Chief Ethics and Compliance Officer (CECO), independent of both the Legal and Human Resource departments, reporting to the CEO and to the Board of Directors. Safeguarding intake and investigations will report to the CECO, not the General Counsel or Human Resources. All Human Resources investigations of sexual misconduct or harassment cases, whether between team members or others, will also be the responsibility of the safeguarding team and fall under the auspices of the CECO. In addition, the new department led by the CECO will be staffed and resourced appropriately and will implement survivor-centered and trauma-informed best practices, such as case management by a multidisciplinary team that includes a qualified mental health professional.

Commitment 4 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 5: Strengthen Safeguarding Systems including Additional Hiring of Staff

Make a significant additional investment over the next 18 months to strengthen our systems that support the intake, case management and investigative oversight for alleged ethics violations, including safeguarding. This includes adding additional staff to handle the caseload.

Commitment 5 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 6: Identify a Third-Party Investigation and Safeguarding Firm

Identify a third-party investigation and safeguarding firm to be put on retainer to support Mercy Corps in responding to safeguarding events, to be used as needed on a case-by-case basis.

Commitment 6 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 7: Create PSEA Capacity-Building Plan

Create a comprehensive safeguarding and Protection from Sexual Exploitation and Abuse (PSEA) capacity-building plan for country-based and headquarters-based senior management members and Board members in addition to ongoing onboarding and safeguarding focal point trainings. The capacity building plan would include knowledge and practice around Mercy Corps' safeguarding policies and process; best practices and procedures for working with gender-based violence survivors; psychosocial first aid; investigations of sexual exploitation and abuse; and referral/reporting cases to local services, authorities and donors.

Progress Update on Commitment 7

In addition to our in-country safeguarding support roles and training for those individuals noted in Commitment 5 above, we have created a safeguarding and PSEA capacity building plan for our country-based and headquarters-based senior management members and country leadership teams. The plan includes targeted training for each designated group to build capacity in the following areas and is tailored for each audience type and attendee roles/duties:

- knowledge and practice around Mercy Corps' safeguarding policies and process specific to each attendee's role;
- best practices and procedures for working with gender-based violence survivors;
- psychosocial first aid;
- investigations of sexual exploitation and abuse;
- referral and reporting of cases to local services and authorities;
- safeguarding risk assessment templates and overview for each country;
- overview of minimum standards for safeguarding at Mercy Corps;
- specific content on in-country safeguarding support roles including Safeguarding Focal Points, Champions and Co-Investigators (understanding these roles and how to leverage them).

Training is provided by internationally recognized PSEA/Safeguarding experts, Global Child Protection Services (GCPS). The Global Board, including new Board members, received safeguarding training in June 2020 and again in December 2021. The Executive Team, including our new CEO and CECO, received training in November 2020, covering the topics above specific to their executive roles. The Europe Senior Leadership Team, and country and regional leadership received training in February 2021. The Humanitarian Response Leadership Team received training in March 2021. Similar training tailored for leadership of our Program Performance and Quality, Technical Support Unit, People Team, and for the remaining Country Directors is planned in FY23.

This targeted capacity-building training for leadership is in addition to the mandatory agency-wide PSEA training course included in our full Code of Conduct e-learning suite. Moreover, the in-country Safeguarding Focal Points and Champions conduct capacity building and awareness raising activities to ensure deeper understanding of, and engagement in, safeguarding policies, practices, and systems for team members at all levels.

We have also developed a set of Safeguarding Core Standards which articulate minimum capacity building requirements for all team members, volunteers, and partners.

Commitment 7 is now closed.

Commitment 8: Implement Community Accountability Reporting Mechanisms
Accelerate implementation of Community Accountability Reporting Mechanisms and training of local investigators.

Commitment 8 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 9: Increase Transparency of Safeguarding Program
Improve transparency generally by communicating changes to the safeguarding program, including information about additional resources, clearly to all employees and specifically by informing those who have come forward about the status of their investigations.

Commitment 9 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 10: Produce Annual Public Safeguarding Report

Publish an annual public report on safeguarding that provides sufficient detail to identify the type of case and status of investigation while also maintaining confidentiality. Mercy Corps has previously committed to publishing an annual safeguarding report.

Commitment 10 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Updates to Policies:

Commitment 11: Assess Efficacy of Safeguarding Policies

Conduct an investigation into how Mercy Corps' safeguarding policies are working in practice to ensure that policies are implemented effectively and sufficiently resourced.

Progress Update on Commitment 11

As reflected in the completion of Commitments 4 and 5, we have made significant changes in safeguarding implementation and resourcing since the Commitments to Action were made in early 2020. Resource discussions take place on an ongoing basis to monitor resourcing needs. We have added significantly to our in-country safeguarding resources and have made important structural changes to our legal, ethics and investigative functions. Key aspects include: strengthened governance; the creation of a dedicated Intake and Investigations team within a stand-alone Ethics and Compliance Department; the implementation of trained in-country Safeguarding Focal Points, Champions and Co-Investigators, and increased capacity of the global Safeguarding Prevention team. In May 2021, the Global Safeguarding Prevention team was consolidated within the Ethics and Compliance Department.

As articulated below in the update to Commitment 12, a third party audited a sample of our investigations and determined that our approach meets industry standards. Our policies and investigative processes have been reviewed by a range of donor assessments, and the findings from these assessments have been implemented. In addition, our safeguarding policies have undergone an extensive external review and benchmarking against donor expectations, sector standards and peer organization policies. Recommendations from that process are currently being incorporated and policy revisions are underway.

Commitment 12: Review and Revise Mercy Corps' Policies and Procedures

Review and revise Mercy Corps' policies and procedures with appropriate expertise to address gaps and strengthen their application, especially to include policies to address past sexual misconduct, abuse, and gender-based violence perpetrated by former

employees or current employees that happened at prior institutions or outside of the workplace. As part of the review, conduct an audit of past investigations.

Progress Update on Commitment 12

In February 2020, Mercy Corps' Board of Directors approved updates to the agency's safeguarding policies, including the Ethics Complaint and Whistleblower Policy, Child Safeguarding Policy, and Prevention of Sexual Exploitation and Abuse Policy. These policy changes reflect the recommendations of the Nichols Liu report (available [here](#)), and they clarify the applicability of Mercy Corps' policies to former team members and past activities, as well as requiring the referral of cases involving senior management or Board Directors to an external investigator. In June 2021, Mercy Corps' Executive Team and the Board of Directors approved additional updates to strengthen and clarify duties to report and to more overtly align our policy language with the revised Interagency Standing Committee's Core Principles relating to Prevention of Sexual Abuse and Exploitation.

In addition to updating safeguarding policies, Mercy Corps has developed corresponding policy guidance documents for use by teams and individuals as quick guides, conversation starters, and references for policy adherence or as training supplements. The policy guidance documents are available on the Mercy Corps website [here](#).

Our policies and investigative procedures have been reviewed by a range of donor and sector assessments, including USAID, UNICEF, and FCDO and were found to be in compliance with donor requirements. The findings from these assessments are in implementation.

In addition to our policies, a third-party audit was conducted on all investigations deriving from USG-funded teams and programs. In the audit and final assessment, it was determined that Mercy Corps' survivor-centered approach and methodical approach to investigations meets industry standards.

Mercy Corps has also undergone a comprehensive assessment by Keeping Children Safe (KCS) at the request of FCDO and UNICEF. It was determined that Mercy Corps meets global best practices and we have implemented the KCS recommendations. In June 2020, Mercy Corps' Executive Team approved the new Community Accountability Reporting Mechanisms (CARM) Policy, as outlined in the completion of Commitment 8 in January 2022. The CARM Policy is available on the Mercy Corps website [here](#).

Between March and June 2022, internationally recognized PSEA and safeguarding experts, Global Child Protection Services (GCPS) conducted a comprehensive external review of our safeguarding policies. The policies were reviewed against donor expectations, sector standards and best practice, and benchmarked against peer organizations. We are currently incorporating the recommendations from this review into further policy revisions for FY23.

We will continue to review our safeguarding policies at least bi-annually, drawing on best global practices, alignment with major donors, and to ensure ongoing clarity.

Commitment 13: Adopt a Clear and Robust Definition of Safeguarding

Adopt and incorporate into our policies a clear and robust definition of safeguarding, drawing on best global practice and in alignment with Mercy Corps' major donors. Clarify within Mercy Corps' policies their applicability to former team members, activities in the distant past and if policies are applicable anywhere.

Commitment 13 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 14: Adopt Policy to Refer Cases Involving Senior Staff and Board

Put in place a policy requiring referral of cases involving senior management or Board Directors to an external, outside investigator.

Commitment 14 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 15: Communicate to Staff on Safeguarding Policies

Provide clear, effective and regular communication of Mercy Corps policies regarding sexual abuse and exploitation to employees. Ensure that anyone approaching the organization with allegations regarding sexual exploitation and abuse is treated in accordance with the values inherent in these policies, even if the policies do not apply to the organization's engagement with them.

Commitment 15 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Strengthen the Board's Governance:

Commitment 16: Create Culture & Ethics Oversight Committee; Appoint Safeguarding Director on Board

Review board governance and committee structures to ensure best safeguarding practices with external expert advisers. Create a board committee charged with oversight of ethics and culture, including safeguarding efforts. This board committee will have appropriate skills tasked at reviewing all safeguarding cases and overseeing ethical culture. Appoint a lead safeguarding director on the Mercy Corps Board.

Commitment 16 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 17: Strengthen Board Members Skills on Safeguarding

Provide training to the board on safeguarding as well as ensure that new board member onboarding and ongoing training reinforce directors' understanding of governance.

Commitment 17 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 18: Honor Board Term Limits

Put in place and honor term limits, both for board and committee tenures, while allowing the flexibility to make exceptions when important for the organization's strategy. This will provide an opportunity to add new skills and perspectives to the board.

Commitment 18 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 19: Define Board Accountability and Communication

Clearly define accountability and communication so directors understand how decisions are made and who has responsibility.

Progress Update on Commitment 19

Mercy Corps has introduced a number of changes following a governance review to bring efficiencies to its governance model and ensure that Directors and all participant stakeholders in Mercy Corps' governance structure understand their roles within the structural, legal, donor, financial and programmatic contexts under which Mercy Corps operates. These changes include instituting Board term limits; professionalizing the

recruitment of Board Directors with a specialist firm and ensuring an effective onboarding process for new members; integrating Board committees and structured reporting to the Joint Board; committing to Board diversity goals (resolution adopted in September 2021); and increasing cadence of Board meetings from three to four a year. Any further changes will be part of general agency efforts to strengthen governance.

Commitment 19 is now closed.

Additional Commitments:

Commitment 20: Drive Leadership Accountability

Review and update relevant policies and position descriptions of Executive Team members to ensure that, when applicable, responsibilities around safeguarding, ethics, diversity, inclusion and culture are included when the Board Compensation Committee performs their annual review.

Progress Update on Commitment 20

Our position description (PD) template has been updated to include revised language that strengthens expectations around safeguarding and ethics, diversity, inclusion and culture. All Executive Team PDs and objectives will be updated to include similar language during annual performance reviews in FY22, to be completed by end of Q1 FY23.

Mercy Corps' People Team is launching a comprehensive review and refresh of the performance review process in FY23, which will include new language on diversity and inclusion expectations, as well as expectations for team members at all levels on ethics, safeguarding, diversity, equity, and inclusion. All team members, including the Executive Team, will be evaluated through these new metrics.

In addition, Mercy Corps' People Team has developed a mitigating bias training for leaders and hiring managers, which has been delivered to a subset of our population including the Executive Team and Board. The Executive Team has also been participating in intensive diversity, equity, and inclusion workshops with external experts. We hope to incorporate mitigating bias training into our suite of required e-courses in the future. Currently, teams receive mitigating bias training through our internal Gender, Diversity, and Inclusion (GDI) diagnostic process.

Commitment 21: Ensure Accountability for 2018 Mishandling

Hold accountable those who were involved in the 2018 case mishandling through appropriate disciplinary actions.

Commitment 21 is closed. For more details, please review the [January 2022 Commitments to Action](#)

Commitment 22: Review Mercy Corps Culture

Conduct a review of Mercy Corps culture and address issues and cultural norms that contributed to the failures identified in Vestry Laight's investigation.

Progress Update on Commitment 22

In January 2022, we launched the All Voices Global Team Survey, our first all team member engagement survey, and results were released to all team members in April 2022. While each department has their own set of results and metrics, globally we had a response rate of 78% and an engagement score of 68%, with some clear opportunities for continued learning and growth across the organization.

Now that global results have been internally published, we are working across the organization with leaders to share their departments' results with their teams, create space for open dialog about their scores, areas for celebration and improvement, and to begin action planning. Rather than action planning occurring only at the highest levels and cascading initiatives down, we are enabling leaders to take action on their results at the local level, where it will have the most impact and teams will be more involved in the changes they desire in where they work.

We will continue to conduct a similar survey every two years in order to create a regular and consistent avenue for team member feedback. The survey set the baseline for understanding team member experience and broader organizational health at Mercy Corps, and is an important part of building a stronger and more inclusive culture.

Commitment 22 is now closed.

Commitment 23: Review Progress at Every Board Meeting

Review the above Commitments to Action at each board meeting until all matters have been implemented and report on progress to the public twice a year during that time.

Progress Update on Commitment 23

Mercy Corps' Board has reviewed the organization's Commitments to Action and progress against them at each board meeting since the acceptance of these commitments and will do so until all matters have been implemented. Eighteen of the 23 commitments are now closed. We will continue to review progress on the remaining five commitments at each board meeting until they are complete. Mercy Corps Board meetings take place on a quarterly basis.

This progress update is the fifth biannual public report. The [first](#) was released in July 2020, the [second](#) in January 2021, the [third](#) in July 2021 and the [fourth](#) in January 2022. We will continue to report publicly on our progress until all commitments have been implemented.